

Notice of Allowability

Application No.

10/680,382

Applicant(s)

BERGEMANN ET AL.

Examiner

Donald L. Storm

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT filed October 1, 2007.
2. ☒ The allowed claim(s) is/are 1-17, 19 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Craig J. Loest, Attorney of Record, on November 6, 2007.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, line beginning *region, the first*, change "the first and second set" to --the first set and the second set--.

In claim 7, line 1, change "1" to --2--.

In claim 11, line 4, change "the program" to --at least one of the programs--.

In claim 12, line beginning *selecting a desired*, change "selecting a desired indicating language by input manipulation; and" to --selecting a desired indicating language by manipulating the external program selector having selector positions permanently assigned to at least one of the sets of programs; and--.

In claim 13, line beginning *a memory storing*, change "program sequences" to --programs--.

In claim 13, line beginning *program sequences*, change two (2) occurrences of "program sequences" to --programs--.

In claim 14, line 2, change "the selected language" to --a language selected from the selection of languages--.

In claim 19, line beginning *region, the first*, change "the first and second set" to --the first set and the second set--.

In claim 20, line beginning *region, the first*, change "the first and second set" to --the first set and the second set--.

Allowable Subject Matter

2. Claims 1-12, 13-17, 19, and 20 are allowed. The claims have been renumbered for printing to be claims 1-12, 14-18, 19, and 13.

Response to Arguments

3. The prior Office action, mailed May 4, 2007, objects to the claims, and rejects claims under 35 USC § 102, citing Forest. The Applicant's arguments and changes in AMENDMENT, filed October 1, 2007, have been fully considered with the following results.

4. With respect to objection to claim 18 as dependent upon a rejected base claims, the rejection no longer applies because the claim has been cancelled.

5. With respect to rejection of claim 1 and claims currently dependent to claim 1 under 35 USC § 102, the changes entered by amendment include subject matter previously indicated as allowable in the current independent claim. The whole structure and interaction expressed by the combination of all limitations is not made obvious compared to the prior art of record for the whole invention of the independent claim, particularly with permanent assignment of selector positions to programs. Accordingly, the rejections are removed.

6. With respect to rejection of claim 13 and claims currently dependent to claim 13 under 35 USC § 102, the changes entered by amendment include multiple sets of programs, from which one of the multiple sets can be called up, with each of set being specific to a language region.

The reference Forest does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not made obvious by comparison to the prior art of record for the whole invention of the claims, particularly with permanent assignment of each selector position of an external program selector to a program of a stored set of programs. In the reference Forest, one set of programs specific to the language region of operation is stored. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

7. With respect to rejection of claim 12 and claims currently dependent to claim 12 under 35 USC § 102, the changes entered by amendment include similar subject matter as included in claim 13. The whole structure and interaction expressed by the combination of all limitations is not made obvious compared to the prior art of record for the whole invention of the independent claim. Accordingly, the rejections are removed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100

between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 8, 2007

/Donald L. Storm/

Primary Patent Examiner
Division 2626